

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TIERONE BANK,)	Case No. 4:08-cv-3267
a federal savings bank,)	
)	
Plaintiff,)	
)	
v.)	PLAINTIFF'S MOTION TO DISMISS
)	WITHOUT PREJUDICE
UNITED STATES)	
OF AMERICA,)	
)	
Defendant.)	

COMES NOW Plaintiff, TierOne Bank, pursuant to Fed. R. Civ. P. 41(a)(2), and hereby moves the Court to enter an Order dismissing without prejudice Plaintiff's Complaint, with each party to bear its own costs. Plaintiff's counsel has been in contact with counsel for the United States, and Defendant does not object to this Motion to Dismiss without Prejudice.

WHEREFORE, Plaintiff TierOne Bank moves the Court for an Order to dismiss, without prejudice, the Complaint filed by Plaintiff, with each party to pay its own costs.

DATED this 15th day of October, 2009.

TIERONE BANK, Plaintiff

By: /s/ Terry C. Dougherty
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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of October, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system under which notification of such filing shall be sent to the following:

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By: s/ Terry C. Dougherty
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Attorney for Plaintiff
TierOne Bank